

Staff Summary Report



Hearing Officer Hearing Date: **April 3, 2007**

Agenda Item Number: 5

SUBJECT: This is a public hearing for a request by the **MESSER RESIDENCE (PL070084)** located at 1929 East Meadow Drive for one (1) use permit.

DOCUMENT NAME: 20070403dssl03

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by the **MESSER RESIDENCE (PL070084)** (Barbara Messer, applicant/property owner) located at 1929 East Meadow Drive in the R1-6, Single Family Residential District for:

ZUP07028 Use permit to allow a RV/boat to be parked in the front yard setback.

PREPARED BY: Sherri Lesser, Senior Planner (480-350-8486)

REVIEWED BY: Steve Abrahamson, Senior Planner (480-350-8359)

FINAL REVIEW BY: Lisa Collins, Planning Director (480-350-8989)

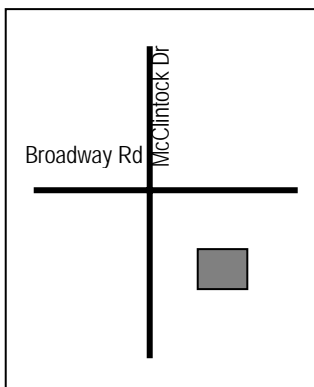
A handwritten signature in black ink, appearing to be 'LC' or similar initials, located to the right of the 'FINAL REVIEW BY' line.

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval subject to Conditions 1-2.

ADDITIONAL INFO: The applicant is before the Hearing Officer to request a use permit to allow an RV/boat to be parked in the front yard setback. To date, staff has received one letter in support of this request. Staff supports the use permit as proposed in this application.



ATTACHMENTS:

1. List of Attachments
 2. Comments; Reason for Approval/Conditions of Approval; History & Facts/Description Zoning & Development Code Reference
-
- A. Location Map(s)
 - B. Aerial Photo(s)
 - C. Letter of Intent
 - D. Site plan
 - E. Staff Photograph(s)
 - F. Letter of Support

COMMENTS:

The Messer residence is requesting a use permit to allow a recreation vehicle (boat) to be parked in the front yard setback. The applicant states in their letter of explanation; that they use the boat frequently on Tempe Town Lake and like the convenience of having the boat available from their driveway. They state that the boat is kept clean with a cover and clear from the sidewalk; so as to not impede pedestrian traffic.

Use Permit

The Zoning and Development Code requires a use permit for a recreational vehicle to be parked in the front yard setback.

Conclusion

Staff recommends approval of the use permit request; the boat is stored in manner as to not create a nuisance or detriment to the surrounding area. The front yard is landscaped with very mature Mesquite Trees to help minimize the presence of the boat. Staff received one letter in support of the request from a surrounding neighbor.

**REASON(S) FOR
APPROVAL:**

1. Use Permit will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general.

SHOULD THE HEARING OFFICER ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.

**CONDITION(S)
OF APPROVAL:**

1. The boat shall be parked, at all times, on paved driveway; clear of public sidewalk.
2. The recreation vehicle shall be operable and have current registration.

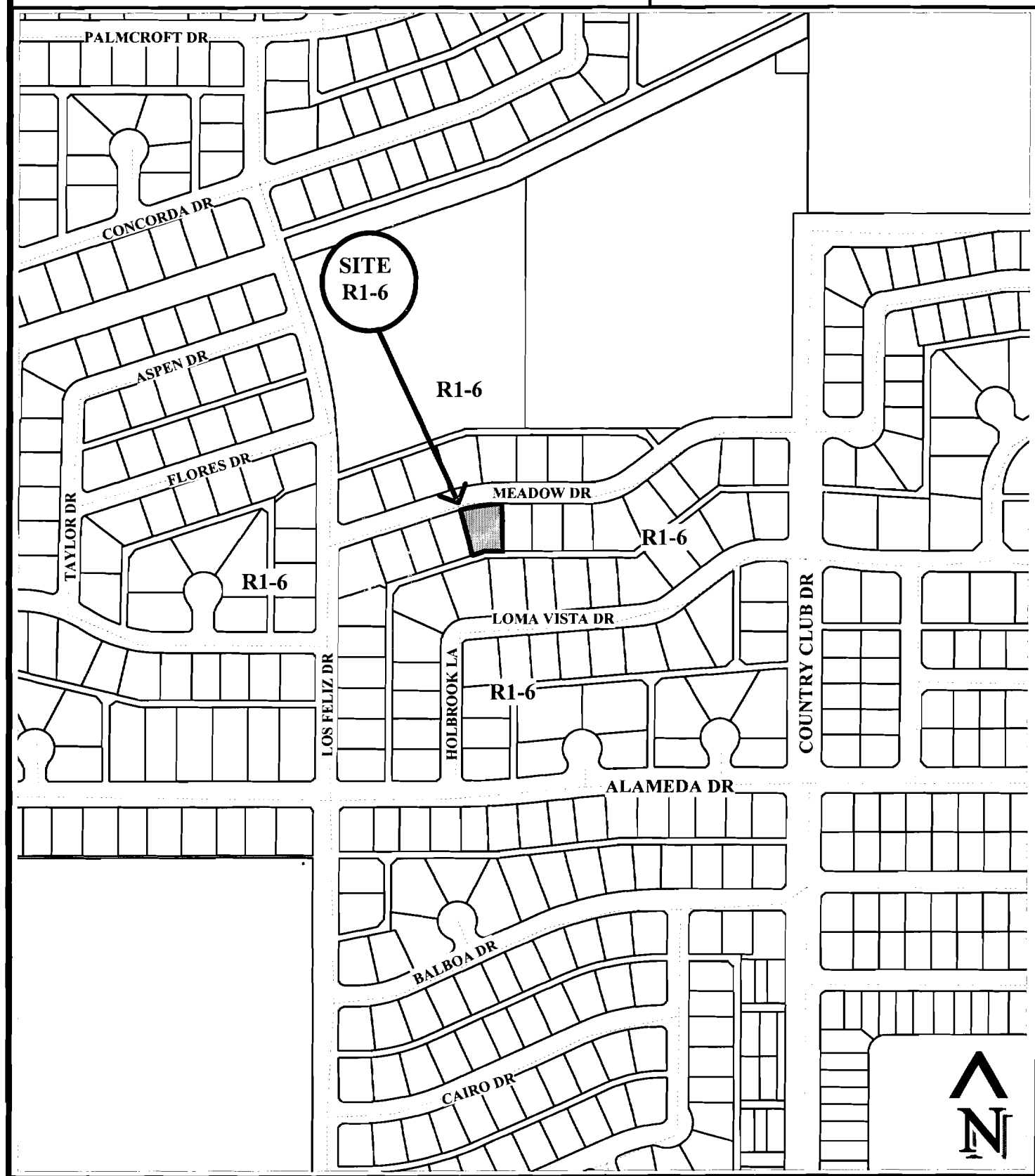
HISTORY & FACTS: None pertinent to this request

DESCRIPTION: Owner – Barbara Messer
Applicant – Barbara Messer
Existing zoning – R1-6, Single Family Residential District

**ZONING AND
DEVELOPMENT
CODE REFERENCE:** Zoning and Development Code, Part 6, Section 6-308
Zoning and Development Code, Chapter 6, Section 4-602- B - 7

MESSER RESIDENCE

PL070084





MESSER RESIDENCE (PL070084)

1929 East Meadow Dr
Tempe Arizona 85282
February 17, 2007

Hearing Officer for Board of Adjustment
31 East 5th Street
Tempe, Arizona 85281

Gentlemen:

With reference to the letter of January 8, 2007 which I received from Brett Barnes regarding the boat in the driveway of my home at 1929 East Meadow Drive, please consider this my request for a use permit.

I purchased this boat as soon as Tempe Town Lake was filled with water, for the sole purpose of my children, grandchildren and myself to spend recreational time enjoying ourselves in an activity that heretofore was completely unheard of in Tempe, while at the same time supporting the City of Tempe and their innovative plans for making Tempe a place to be very proud of. The first few years I stored my boat at a boat shop nearby the lake. They went out of business here, and I had to find another place to store it. When such facilities were not available, I parked it at my home. I discussed it with my neighbors at the time, and they were in full agreement, saying it wouldn't bother them in any way.

This appeared to be a perfect solution. My boat was now where I could keep an eye on it at all times; I could keep it clean; it was accessible seven days a week; I could plug it into an electrical outlet at any time and have it ready to go; it was in the shade, which is a huge asset, especially in our very hot summers. All of these are features which I wasn't receiving when the boat was stored at a storage lot. When you compare these advantages/disadvantages, it has a large affect on the pleasure and convenience of boating on Tempe Town Lake.

I am a native Arizonan, and have been a law-abiding resident of Tempe since 1968. I would not live anywhere else. I love Tempe – its beauty, cleanliness, foresight, safety, creativity, management, and the way it provides so much for its residents. I realize that all of these highlights are possible because of rules and laws, and I definitely don't want to be in violation of any of them. I understand the reasoning, wanting to keep our city attractive, but sometimes other factors play into the situation. My boat in my driveway isn't hurting

anyone. It isn't an eyesore; I keep it very neat and clean. It isn't drawing flies, mosquitoes or roof rats. It doesn't smell bad. These are disgusting rule violations, which it would be unpleasant to live around. I don't feel that my boat falls into this category.

Responding to your Letter of Explanation, I offer the following, in addition to everything I have already covered in this letter:

- a. The boat is more than six feet back from the street, and does not impede any pedestrian traffic.
- b. There is absolutely no odor, dust, gas, noise, vibration, smoke, heat or glare produced by my boat.
- c. I don't see how this boat would contribute to the deterioration of the neighborhood, such as disabled or junk cars parked in the driveway or yard do. On the contrary, I feel that my boat in the driveway is a symbol of the goals and objectives of the City of Tempe – encouraging the use of Tempe Town Lake.
- d. I feel it is compatible with existing surrounding structures; it is not gaudy or unsightly, and does not detract from my front yard landscaping.
- e. The boat does not result in any disruptive behavior. There is never anyone in or on it except when loading and unloading.

So that my family can conveniently, and on the spur of the moment, enjoy our boat on Tempe Town Lake, I would very much appreciate your positive consideration of my application for a use permit.

Thank you very much, and I look forward to your approval.

Yours very truly,



Barbara L. Messer

Site Plan

Request: Use Permit to allow an RV to be parked in the Front Yard Setback

Site Data

Submitted by:

Barbara Messer
1929 East Meadow Drive
Tempe, Arizona 85281
480-966-7363

Zoning:

R1-6 Single family

Parcel size:

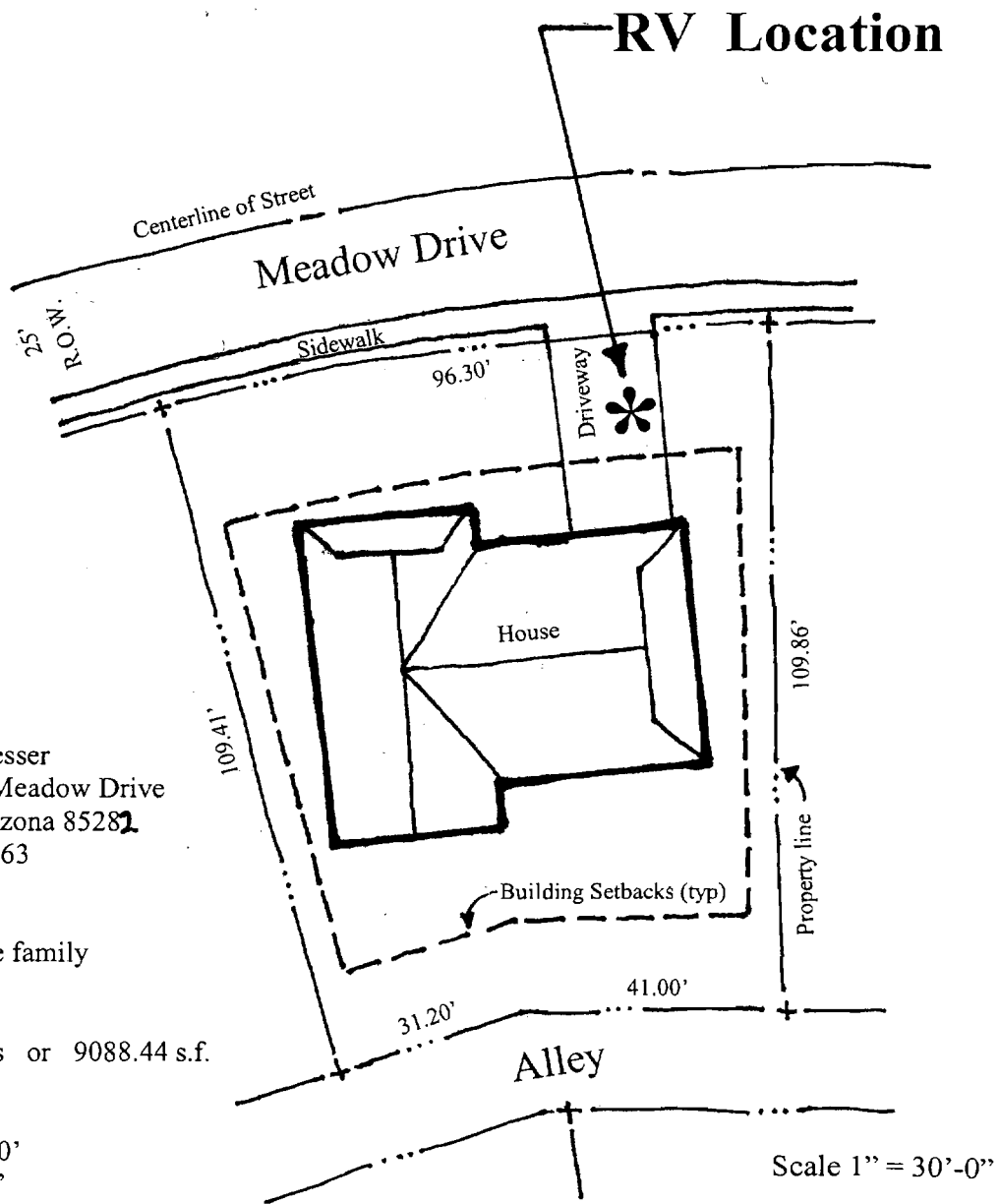
0.209 Acres or 9088.44 s.f.

Setbacks

Front	20'
Rear	5'
Sides	15'

Legal Description

Lot 91 of ALAMEDA MEADOWS UNIT TWO, according to
Book 118 of Maps, Page 26, records of Maricopa County, Arizona.



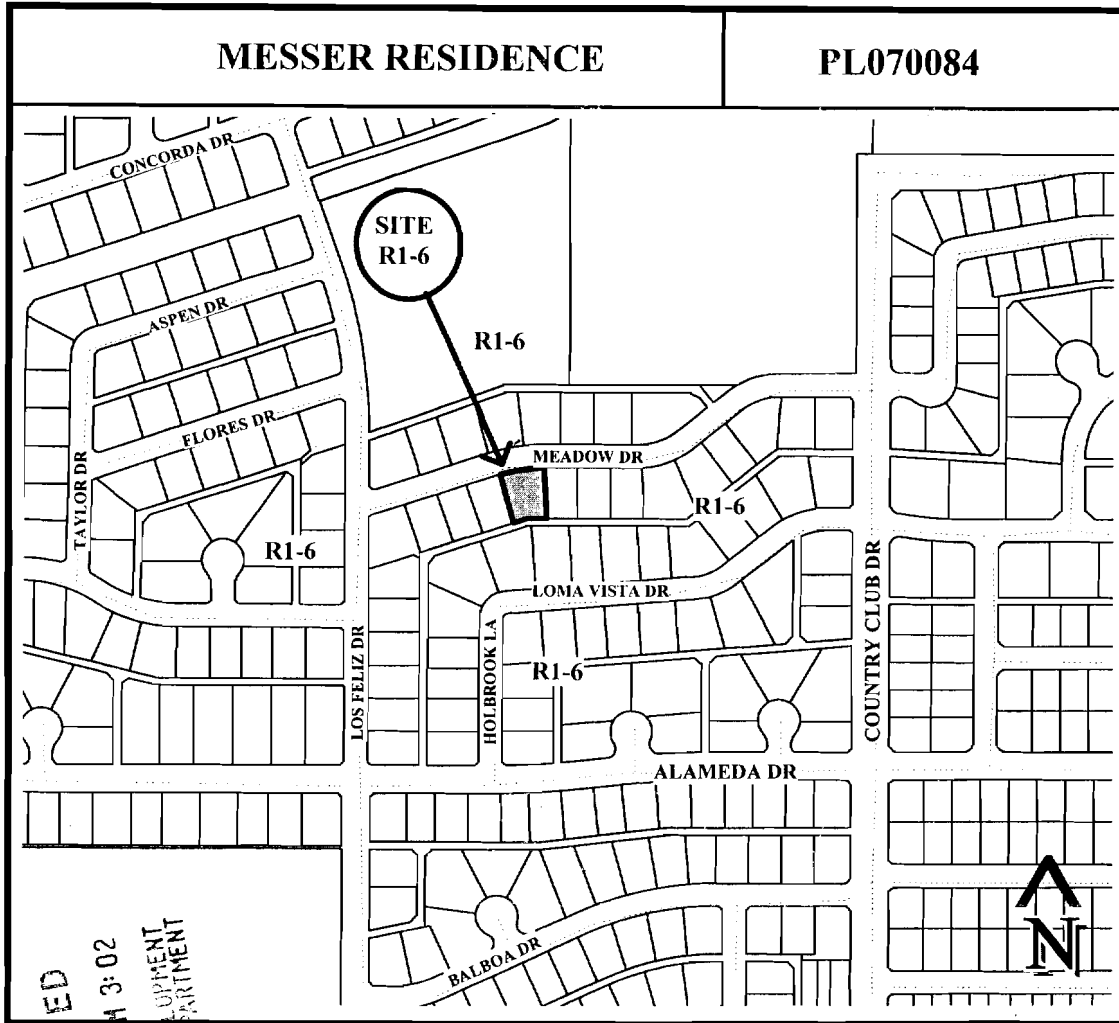


MESSER RESIDENCE

1929 E. MEADOW DR.

PL070084

FRONT OF HOME: VIEW TO SOUTH



RECEIVED
07 MAR 23 PM 3:02
TEMPERLEY DEVELOPMENT
SERVICES DEPARTMENT

PUBLIC HEARING NOTICE

FILE COPY

This is a notice for a public hearing for the **MESSER RESIDENCE (PL070084)** (Barbara Messer, applicant/property owner) located at 1929 East Meadow Drive in the R1-6, Single Family Residential District for:

ZUP07028 Use permit to allow a RV/boat to be parked in the front yard setback.

If you are interested you may attend a public hearing of the Hearing Officer at **1:30 p.m. TUESDAY, APRIL 3, 2007** at the Council Chambers, 31 East Fifth Street. This will be a public hearing and you may present your views in person at the hearing. Or you may respond in writing to the Hearing Officer, P.O. Box 5002, Tempe, AZ 85280-5002.

If you have any questions or wish to view additional material including artist's renderings and elevations which are on file you may contact the Development Services Department at (480) 350-8331 or come in to the office at 31 East Fifth Street. Procedures for the public hearing may be picked up at the office or at the public hearing itself.

The City of Tempe endeavors to make all public meetings accessible to persons with disabilities. With 48 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call (480) 350-8331 (voice) or (480) 350-8400 (TDD) to request an accommodation to participate in the Hearing Officer meeting.

To Whom it May Concern:
We think it is fine for Barbara Messer to
park her boat in the front yard set back at
1929 E. Meadow Dr.
Myrtle R. Weiser
David A. Weiser
1944 E Meadow Dr.
Tempe AZ
85280